BILL NO. S-82-11-14

SPECIAL ORDINANCE NO. S-209-82

AN ORDINANCE establishing certain procedures for the provision of governmental services during emergencies.

WHEREAS, the City of Fort Wayne, as a political subdivision of the State of Indiana, has, pursuant to I.C. 36-1-3-2, all powers necessary for the effective operation of government; and

WHEREAS, I.C. 10-4-1-15, and Section 8-1 of the Municipal Code of the City of Fort Wayne, deal with emergency situations affecting municipalities; and

WHEREAS, the City of Fort Wayne desires to more effectively and completely utilize all resources available to provide governmental services to the public in emergency circumstances, and during emergency conditions; and

WHEREAS, the Mayor of the City of Fort Wayne is charged with all necessary responsibilities insuring the efficient government of the City, pursuant to I.C. 36-4-5-3(7); and

WHEREAS, to help insure the proper utilization of resources available to the City of Fort Wayne during emergencies, this Ordinance is necessary.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. For the purpose of this Ordinance, the term "emergency" or "emergencies" shall be defined as those extraordinary situations or conditions, whether caused by nature or otherwise, that would require an unusually high provision of governmental services, or that would disrupt or interfere, or threaten to disrupt or interfere, with the prompt and proper provision of governmental services and/or protection of the general public.

SECTION 2. If an emergency is declared, as hereinafter provided, the following procedures may be utilized by the City of Fort Wayne during such emergency period:

A. All City property, including but not limited to, vehicles and equipment of the City, its Utilities, and all of its Boards, Commissions, Departments, Authorities and Agencies, may be utilized by the City, as directed by the Mayor, or his designatee(s), during such emergency period, in an effort to deal with the emergency in question;

B. All personnel of the City, its Utilities, and of all of its Boards, Commissions, Departments, Authorities and Agencies, may be utilized by the City and placed under the direction of the Mayor, or his designatee(s), during such an emergency period, in an effort to deal with the emergency in question; and

C. Allocation of costs incurred by the utilization of property and personnel for emergencies, as herein indicated, shall be made by the Controller of the City of Fort Wayne, and such allocation shall be promptly reported to the Common Council of the City of Fort Wayne.

SECTION 3. An emergency, as herein referred to, shall be declared by the Mayor, or his designatee(s), by giving immediate written notice thereof to the Common Council of the City of Fort Wayne, and to the general public, via media. Such declaration of emergency shall include the nature of the emergency and the anticipated length thereof.

SECTION 4. This Ordinance shall not be construed to

in any way interfere with or limit those emergency powers otherwise provided to the City and its officials.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council of the City of Fort Wayne, Indiana without such invalid section, clause, sentence, paragraph, part or provision, and the remaining parts of this Ordinance shall remain in full force and effect.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Gentlemen (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 11-9-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
SCHMIDT	✓				
SCHOMBURG	✓				
SCRUGGS	✓				
STIER	✓				
TALARICO	✓				

DATE: 11-23-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (GENERAL) (~~ANNEXATION~~) (SPECIAL) (~~APPROPRIATION~~) ORDINANCE (~~RESOLUTION~~) NO. S-209-82 on the 23rd day of November, 19 82

ATTEST:

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 19 82, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 29th day of November 19 82, at the hour of 9 o'clock A.M.,E.S.T.

Win Moses Jr
WIN MOSES, JR. - MAYOR

BILL NO. S-82-11-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN ORDINANCE establishing certain procedures for the provision of governmental services during emergencies

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN — Janet G. Bradbury

PAUL M. BURNS

VICTURE L. SCRUGGS — Victure L Scruggs

ROY J. SCHOMBURG

11-23-82

CONCURRED IN

DATE CHARLES W. [illegible], CITY CLERK